



JON S. CORZINE  
Governor

*State of New Jersey*  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
25 MARKET STREET  
PO Box 093  
TRENTON, NJ 08625-0093

ANNE MILGRAM  
Attorney General

ROBERT J. GILSON  
Director

November 27, 2007

By Electronic Filing

Hon. Katharine S. Hayden  
U.S. District Court Judge  
U.S. P.O. & Courthouse Bldg.  
P.O. Box 999  
Newark, NJ 07101-0999

Re: *New York Susquehanna & Western Railway Corp. v. New Jersey Department of Environmental Protection, et al.*, CV-05-4010 (KSH)

Dear Judge Hayden:

This letter is submitted on behalf of Defendant/Third Party Plaintiff New Jersey Department of Environmental Protection ("DEP") in response to the proposed order of dismissal filed in the referenced action by Third Party Defendant MHF Logistical Solutions, Inc. ("MHF"). MHF relies on the October 4, 2007 hearing in this case for its proposed order. However, the parties have recently undertaken settlement discussions. Entry of this order could thwart these multiparty settlement efforts.

Accordingly, the DEP requests that the Court withhold signing the proposed order to afford the parties additional time to attempt to resolve the matter. The parties intend to discuss the status of these settlement discussions with U.S. Magistrate Judge



November 27, 2007

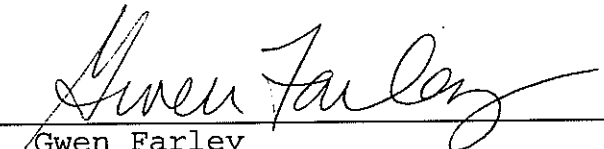
Page 2

Falk at the telephone conference already scheduled for tomorrow, November 28, 2007. We thank the Court for its attention.

Respectfully,

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY

By: \_\_\_\_\_

  
Gwen Farley

Deputy Attorney General

cc: Hon. Mark Falk (by fax to 973-645-3097)  
All Counsel on Attached Service List